THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.3031, 3032 & 3033 of 2007

COMMON ORDER:

In all these three writ petitions, common questions of law and fact arise for consideration, therefore, they are being disposed of by this common order.

It is the grievance of the petitioner(s) that the sixth respondent(s) was appointed as Angwandi worker without possessing requisite qualifications as per the notification. It is their contention that the sixth respondent is neither a resident of the village nor possess the requisite educational qualification. In fact the nativity certificate produced by sixth respondent was not issued by proper authority. Therefore, the respondents ought not to have taken into consideration of such nativity /residential certificate. The petitioner(s) being native of the village and possessing requisite educational qualifications i.e. 10th class etc., are fully qualified and eligible to be appointed as Anganwadi worker. In spite of this, the official respondents have denied appointment to the petitioner(s) to the post of Anganwadi worker.

Though the official respondents have filed counter, but the same does not lead us to anywhere. The facts are not properly brought out and there is inconsistency in the stand taken by the respondents. However, the sixth respondent(s) had categorically asserted that they are more qualified than the petitioner(s) and in fact one of them is a Graduate and others have passed 10th class and apart from that, all belong to respective Panchayats and the certificates obtained by them as to their residential status is proper and valid, therefore, no interference is called for by this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned orders and other material made available on record.

The issue that arises for consideration in the present writ petitions is as to whether the respondents possess educational qualifications and the nativity/residential certificates produced by them are genuine. I am of the opinion that these are all disputed questions of fact, which cannot be gone into by this Court under Article 226 of the Constitution of India. However, the petitioners cannot be left without any remedy.

Under those circumstances, without expressing any opinion on merits, the petitioner(s) are directed to file a detailed representation before the first respondent along with necessary documentary evidence. On filing such applications, the first respondent shall entertain the same and cause an enquiry after putting the sixth respondent(s) on notice and hear them personally, if necessary, and pass appropriate orders as per law as to the eligibility of sixth respondent(s) for appointment to the post of Anganwadi worker in their respective villages, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the sixth respondent(s), who were already appointed, shall continue to work in their respective villages.

With the above direction, all the writ petitions are disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 4.12.2007
Note:
Issue C.C in (3) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.3031, 3032 & 3033 of 2007

4.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.Nos.3031, 3032 & 3033 of 2007

Date: 4th December, 2007

Between:

K.Venkataramanamma .. Petitioner in W.P.No.3031 of 2007

K.Lakshmi Devi .. Petitioner in W.P.No.3032 of 2007

R.Ramadevi .. Petitioner in W.P.No.3033 of 2007

And

The District Collector/Chairman of the
District Selection Committee of
Anganwadi Workers/Helpers, Ananthapur,
Ananthapur district & others.

.. Respondents in all the W.Ps.